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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

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6 RONALD EUGENE ALLEN, JR.,

Case No. 3:21-cv-00141-MMD-WGC

7 Petitioner,

ORDER

8 v.

9 WILLIAM GITTERE, *et al.*,

10 Respondents.  
11

12 The Court previously appointed counsel for Petitioner Ronald Eugene Allen, Jr. in  
13 this habeas corpus action on March 31, 2021. (ECF No. 3.) Counsel made an initial  
14 appearance for Allen on April 22, 2021. (ECF No. 7.) On April 23, 2021, the Court issued  
15 a scheduling order, which, among other things, granted Allen 90 days (until and including  
16 July 22, 2021) to file an amended habeas petition. (ECF No. 8.)

17 On April 26, 2021, Allen filed a motion for leave to file a second amended petition.  
18 (ECF No. 9.) Attached to that motion is his first amended petition. (ECF No. 9-1.) Allen  
19 states in the motion that he filed the first amended petition in such a short time because  
20 of his understanding that the expiration of the applicable limitations period was imminent.  
21 (*Id.* at 2.) Allen requests leave to file a second amended petition so that he has “a  
22 reasonable opportunity to prepare an amended petition that fully reflects counsel’s  
23 considered judgment.” (*Id.* at 3.) Allen further requests that the Court waive the  
24 requirement of LR 15-1(a), which generally requires a party to attach the proposed  
25 amended pleading to a motion seeking leave of court to amend, explaining that that rule  
26 is ill-suited for this situation. (*Id.* at 4.) Respondents did not respond to Allen’s motion.

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1 Under Federal Rule of Civil Procedure 15(a)(2), a party may amend a pleading  
2 with the Court's leave. "The court should freely give leave when justice so requires." Fed.  
3 R. Civ. P. 15(a)(2).

4 The Court finds that there is good cause for Allen to file a second amended habeas  
5 petition. The Court will grant Allen's motion. The Court will waive the requirement of LR  
6 15-1(a). This order does not, however, affect, in any manner, the operation of the statute  
7 of limitations in this case, and the Court does not mean in this order to convey any opinion  
8 whatsoever about when the limitations period expires (or expired).

9 It is therefore ordered that Petitioner's Motion for Leave to File a Second Amended  
10 Petition (ECF No. 9) is granted. Respondents need not respond to Petitioner's first  
11 amended petition. Petitioner will have until and including July 22, 2021, to file a second  
12 amended petition. In all other respects, the schedule for further proceedings set forth in  
13 the order entered April 23, 2021 (ECF No. 8) will remain in effect.

14 The Clerk of the Court is directed to separately file a copy of Petitioner's First  
15 Amended Petition for Writ of Habeas Corpus (ECF No. 9-1).

16 DATED THIS 11<sup>th</sup> Day of May 2021.

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MIRANDA M. DU  
CHIEF UNITED STATES DISTRICT JUDGE